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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GRAHAM HETTINGER,

Defendant.

CASE NO. 2:21-CR-00215-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant Graham Hettinger, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on, December 6, 2021, with time excluded under the Speedy Trial Act through that date. ECF No. 42. The Court recently issued a related case order and vacated all future hearing dates previously set. ECF No. 44.

2. By this stipulation, the defendant now moves to set a status conference for February 8, 2022, and to exclude time between December 6, 2021, and February 8, 2022, under Local Code T4.

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes hundreds of pages of documents, photographs, spreadsheets, and the like. It also includes complex data regarding dark web sites, encrypted messaging applications, and physical

1 evidence associated with packaging and mailing narcotics through the mail. All of this discovery
2 has been either produced directly to counsel or made available for inspection and copying.

3 b) Counsel for the defendant desires additional time to consult with his client, review
4 discovery, conduct investigation and research related to the charges, review and copy discovery,
5 discuss and explore potential resolutions with his client and the government, and otherwise
6 prepare for trial.

7 c) Counsel for the defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of December 6, 2021, to February 8,
16 2022, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at the defendant's request on the
18 basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 17, 2021

PHILLIP A. TALBERT
Acting United States Attorney

/s/ SAM STEFANKI
SAM STEFANKI
Assistant United States Attorney

Dated: November 17, 2021

/s/ PATRICK K. HANLY
PATRICK K. HANLY
Counsel for Defendant
GRAHAM HETTINGER

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED this 17th day of November, 2021. The Court further ORDERS the matter set for status at 9:30 a.m. on February 8, 2022, before the Honorable John A. Mendez.

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE